



Entered on Docket
March 10, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ONE POINT STREET, LLC –
HFA NORTH YONKERS LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Eighth Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the One Point Street, LLC – HFA
3 North Yonkers Loan (the "Objection") [DE 5700]. Adequate notice of the Objection was
4 given. No responses were filed to the Objection and no opposition was raised to the
5 Objection at the hearing on February 21, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the One Point Street, LLC – HFA North Yonkers Loan.

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10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

12
13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

EXHIBIT A
EIGHTH OMNIBUS OBJECTION
HFA – North Yonkers
Single Loan Claims

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the HFA - North Yonkers Loan
10725-00531	George Cohan	2048 Foxfire Court Henderson, NV 89012-2190	\$200,000.00	\$200,000.00
10725-00045	Rochelle Hornsby Trust Dated 1/92	Rochelle Hornsby Trustee 3959 Pembridge Court Las Vegas, NV 89121	\$50,000.00	\$50,000.00
10725-00878	John M. and Linda S. Marston	12441 Road 44 Mancos, CO 81328	\$1,104.07	\$1,104.07
10725-00883	Marston Family Trust Dated 8/13/93	E. Grace Marston Trustee 12441 Road 44 Mancos, CO 81328	\$1,069.98	\$1,069.98
10725-02244	McQuerry Family Trust	William McQuerry 318 Singing Brook Circle Santa Rosa, CA 95409-6483	\$100,000.00	\$100,000.00
10725-00046	Patterson-Rogers Family 2001 Trust	Robert C. and Joyce Patterson-Rogers Trustees P.O. Box 60175 Las Vegas, NV 89160	\$50,000.00	\$50,000.00
10725-02338	Patterson-Rogers Family Trust Dated 09/05/01	Robert C. and Joyce Patterson-Rogers Trustees P.O. Box 60175 Las Vegas, NV 89160	\$50,768.46	\$50,768.46
10725-01011	Preswick Corp.	1400 Colorado Street, Suite C Boulder City, NV 89005	\$15,670.22	\$15,670.22
10725-00110	Louis H. and Shirley M. Turner Family Trust Dated 9/9/97	Louis H. and Shirley M. Turner 9558 Mammoth Court Reno, NV 89521	\$50,000.00	\$50,000.00
10725-00119	Randy Sanchez IRA	5713 N. White Sands Road Reno, NV 89511	\$50,000.00	\$50,000.00
10725-01009	Janie Tammadge	1400 Colorado Street, Suite C Boulder City, NV 89005	\$11,192.97	\$11,192.97